

James said this was a procedural matter but then refused to adopt the word "procedural".

The State of New York and New Jersey both have this identical wording in the Constitution. In neither case has it precluded the General Assembly from acting. I will give you further information: it is true that the State of New York has enacted a very bad bill as far as labor is concerned, known as the Taylor Act. It was done under the similar wording of what we passed today under Amendment No. 21. I do not think we did anything that great. I do not think we did anything less clear than what we did in any other article that we have thus far adopted.

I would argue with those people that say freedom of speech is not limited. We do limit it in various ways by act of the General Assembly. I know the General Assembly can regulate this as it has regulated everything else, and I do not think that this amendment says what it purports to say, and I would urge everyone to vote against it.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Maurer?

DELEGATE MAURER: Mr. Chairman, I would speak for an amendment which did have the word "procedural" in it. My problem with the amendment was just this: for 25 years or more we have developed statutes and laws and interpretations dealing with private industry, with the private sector. All at once we are moving into the public sector.

We do not have the kind of terminology, accepted terminology, to determine what is a negotiated unit for example. We are moving into areas of professional employees and this is precisely what troubles me, that for an interim period, at any rate until such techniques and terminology are developed, we may have a more difficult time. I would, without wishing to in any way erode the right to organize on either the part of private or public employees, hope we would think of making sure that we can develop the procedures to carry this out in an orderly fashion.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

*(Call for the question.)*

THE CHAIRMAN: Delegate Harry Taylor.

DELEGATE H. TAYLOR: Mr. Chairman, Delegate Lloyd Taylor was going to speak against this amendment, and I was going to speak for it, but we have agreed between ourselves not to say anything.

*(Laughter.)*

*(Call for the question.)*

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: I have a question that I would like to ask Delegate James.

THE CHAIRMAN: Delegate James, will you take the floor to yield to a question?

DELEGATE JAMES: I will be glad to.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: As you spoke giving your reasons why you did not want to include the word "implementation," I was lost, because it seemed there for a while you were becoming the employer in your regulatory laws. When you get into the area of who shall decide who best represents the employee, I wonder if you are not getting into this area, and if the legislature should have this right.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: My intention was certainly designed to give the State as an employer some degree of control over with whom it shall bargain.

The state's position is just a little bit different from that of a private employer and this provision would provide the necessary flexibility. In other words, in the state government, you have policies set by representatives of all the people. It is their job and duty in laying down policies in connection with state employment to take care of the affairs of all the people, to bargain if this is accepted in a reasonable manner, and to lay down rules and regulations concerning with whom to bargain, either the entire body of state employees or possibly segments thereof; but that is quite a bit different from the employer in a private sector bargaining because there the employees really decide how they are going to bargain basically and the State is not in the picture as an employer.

THE CHAIRMAN: Do you have any further question, Delegate Key?

DELEGATE KEY: Yes.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: Are you saying that the rights of State employees should be less than those of private employees?